



A consumer is the important visitor on our premises.  
He is not dependent on us. We are dependent on him.  
-Mahatma Gandhi

## **TAMIL NADU ELECTRICITY OMBUDSMAN**

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**Before The Tamil Nadu Electricity Ombudsman, Chennai**

**Present : Thiru. N.Kannan, Electricity Ombudsman**

**A.P.No. 69 of 2024**

Thiru C. Rajendran,  
Rep. by Thiru S.Subramanian,  
No. 4/396, Sadasivam Avenue, Sunnambu Kolathur,  
Kovilambakkam, Chennai – 600129.

. . . . . Appellant  
(Rep. by Thiru Subramanian)

Vs.

1. The Executive Engineer/O&M/Tambaram,  
Chennai Electricity Distribution Circle/South-II,  
TNPDC,  
110/11 KV Tambaram SS Complex,  
Puthuthangal, Mullai Nagar,  
Tambaram West, Chennai – 600 045.

2. The Assistant Executive Engineer/Selaiyur,  
Chennai Electricity Distribution Circle/South-II,  
TNPDC,  
Madambakkam 110/33/11 KV, Madambakkam SS Complex,  
1<sup>st</sup> Floor, Madambakkam, Chennai-600 126.

3. The Assistant Engineer/O&M/Madambakkam,  
Chennai Electricity Distribution Circle/South-II,  
TNPDC,  
Madambakkam 110/33/11 KV, Madambakkam SS Complex,  
Madambakkam, Chennai-600 126.

. . . . Respondents  
(Thiru S.K.Karuppasami, EE/O&M/ Tambaram  
Thiru K. Sudhakaran, AEE/O&M/ Selaiyur)

**Petition Received on: 14-10-2024**

**Date of hearing: 13-11-2024**

**Date of order: 20-11-2024**

The Appeal Petition received on 14.10.2024, filed by Thiru C. Rajendran, Rep. by Thiru S.Subramanian, No. 4/396, Sadasivam Avenue, Sunnambu Kolathur, Kovilambakkam, Chennai – 600 129 was registered as Appeal Petition No. 69 of 2024. The above appeal petition came up for hearing before the Electricity Ombudsman on 13.11.2024. Upon perusing the Appeal Petition, Counter affidavit, written argument, and the oral submission made on the hearing date from both the parties, the Electricity Ombudsman passes the following order.

### **ORDER**

#### **1. Prayer of the Appellant:**

The Appellant has prayed to shift the poles to another location at Licensee's cost.

#### **2.0 Brief History of the case:**

2.1 The Appellant has prayed to shift the poles erected in his land to another location at Licensee's cost.

2.2 The Respondent has stated that the site was inspected by AE/Madambakkam and reported that the poles can be relocated on DCW basis.

2.3 Hence the Appellant has filed a petition with the CGRF of Chennai Electricity Distribution Circle/South-II on 07.08.2024 requesting to shift the pole.

2.4 The CGRF of Chennai Electricity Distribution Circle/South-II has issued an order dated 11.09.2024. Aggrieved over the order, the Appellant has preferred this appeal petition before the Electricity Ombudsman.

#### **3.0 Orders of the CGRF :**

3.1 The CGRF of Chennai Electricity Distribution Circle/South-II issued its order on 11.09.2024. The relevant portion of the order is extracted below: -

**"Order:**

*From the findings in the fore going paras, the shifting of poles with the existing LT line alignment, which exists by more than 15 years for the benefit of the consumers at Kurinji nagar, Agaram then village, at the Licensee's cost is not feasible of compliance.*

*However, if the petitioner still wishes to relocate the poles the same shall be done on DCW basis and the Respondent shall examine the request of the petitioner and take necessary action subject to technical feasibility.”*

#### **4.0 Hearing held by the Electricity Ombudsman:**

4.1 To enable the Appellant and the Respondent to put forth their arguments, a hearing was conducted in person on 13.11.2024.

4.2 On behalf of the Appellant Thiru Subramanian attended the hearing and put forth his arguments.

4.3 The Respondents Thiru S.K.Karuppasami, EE/O&M/ Tambaram and Thiru K. Sudhakaran, AEE/O&M/ Selaiyur of Chennai Electricity Distribution Circle/South-II attended the hearing and put forth his arguments.

4.4 As the Electricity Ombudsman is the appellate authority, only the prayers which were submitted before the CGRF are considered for issuing orders. Further, the prayer which requires relief under the Regulations for CGRF and Electricity Ombudsman, 2004 alone is discussed hereunder.

#### **5.0 Arguments of the Appellant:**

5.1 The Appellant has stated that he is the owner of survey Nos. 54/1A3A, 54/1A2A of Kurinchi Nagar, Agaramthen, Selaiyur. Long ago it was an agricultural land and an electrical line was passing through his land for the supply of a bore well serving a single consumer. Now the said lands have become residential in nature, thus they made a request to the AEE to move few of the electric poles that run in the middle of their lands to the edges of the new road so that they can enjoy the property without any hindrance.

5.2 The Appellant has stated that the AEE did not reply and thus they approached the CGRF above and requested for appropriate orders. Unfortunately, the CGRF has denied their request without appreciating:

1. They are not a consumer
2. The line supplies electricity to only one consumer (bore well)
3. They are not averse to the proposal to charge the actual consumer(s) of the line for the expenses incurred in realigning the electric poles.
4. The AEE did not even ask the actual consumer if they are ok to pay for the expenses.

Thus, the CGRF, without following any due process and without understanding the issue and his prayer, simply directed them to take the DCW route and approach the Respondents for the same.

5.3 The Appellant has stated that it is pertinent to note that admittedly the supply is for a single consumer, and admittedly they are not a consumer of that supply line or a nearby supply line. Therefore, the direction of the CGRF is misconceived and it is against the supply rules. The CGRF should have directed the Respondents to implead the actual consumer and comply with their request in accordance with the DCW scheme or other supply rules, but surely cannot ask them to pay for the same.

5.4 The Appellant has prayed to direct the Respondents to issue notice to the actual consumer of the supply line in accordance with the DCW scheme and to take necessary steps to complete the shifting of the electrical pole to the boundaries shown in the sketch annexed without any expenses to him in a timely manner and no later than 3 months from today, and pass other order(s) as appropriate in the interest of justice and fairness.

## **6.0 Arguments of the Respondent:**

6.1 The Respondent has stated that Thiru. C.Rajendran (Represented by Thiru. S. Subramanian), resident of 4/396, Sadasivam Avenue Sunnambu Kolathur Kovilambakkam, Chennai has filed an online CGRF petition number 276 on

07.08.2024 for Shifting of Poles from his land to the road side.

6.2 The Respondent has stated that the petitioner owns a land with Survey no. 5A/1A3A and 1A2A at Kurinchi Nagar, Agaranthen. The site was inspected by AE/Madambakkam and reported that the work comes under DCW. The application for the shifting of poles has to be submitted in TANGEDCO web portal. After registration of the application the estimate for the shifting of LT poles along with lines will be got sanctioned by the appropriate authority. Then on payment of necessary charges as per the estimate sanctioned, the work will be taken up.

6.3 The Respondent has stated that vacant land only available in the place, with 1 no. agriculture service available - SC No. 313-200-79 in the name of Tmy. Adilakshmi Ammal and LT line crossing the Appellant's land catering the SC No. 313-200-79, a part of the agriculture land purchased by Appellant Thiru. Rajendran from Thiru Seshadri who is son of Tmy. Adilakshmi Ammal.

6.4 The Respondent has stated that as per the Petitioner's statement, the agriculture service connection was effected during the year 1984, but as per their LT billing record the service connection was mentioned as effected on 23-09-2003. Hence, LT pole and lines would have been erected during the time of agriculture service effected.

6.5 The Respondent has stated that there could not be any objection raised because the LT pole and lines were erected for the agriculture service connection no: 313-200-79 only. There is no residential plots or any other activity noticed in the said area.

6.6 The Respondent has stated that Assistant Engineer/ O&M/ Madambakkam has given a detailed explanation to the Petitioner, but the petitioner is not satisfied. Then, on 05.09.2024 a counter was submitted to the Chairman / CGRF, CEDC/South-II.

6.7 The Respondent has stated that the hearing has been conducted on

28.08.2024 against the petition but the petitioner not turned up and the CGRF has ordered the Respondent "if the petitioner still wishes to relocate the poles the same shall be done on DCW basis and the Respondent shall examine the request of the petitioner and take necessary action subject to technical feasibility". Then the forum has issued the order on 11.09.2024 and communicated to the petitioner through mail on 21.09.2024.

6.8 The Respondent has prayed to pass an order rejecting the request of the Appellant on the ground that it is not pursued by the complainant with reasonable diligence & to pass justice & further orders to meet the ends of justice.

#### **7.0 Findings of the Electricity Ombudsman:**

7.1 I have heard the arguments of both the Appellant and the Respondent. Based on the arguments and the documents submitted by them, the following conclusion is arrived.

7.2 The Appellant's main argument is that he owns the land identified as survey numbers 54/1A3A and 54/1A2A in Kurinchi Nagar, Agaramthen, Selaiyur. Historically, this land was used for agricultural purposes, during which time an electrical line was established to supply a bore well serving only a single consumer. With the aim to transform the land into a residential area, the Appellant has found that the electric poles running through the middle of the property create an obstruction, preventing full and unhindered use of the property. As a result, the Appellant requested the Assistant Executive Engineer (AEE) to relocate these poles to the edges of a newly constructed road. However, the AEE did not respond to the request.

7.3 Due to the lack of response from the AEE, the Appellant approached the Consumer Grievance Redressal Forum (CGRF) seeking an appropriate directive to address the situation. The Appellant contends that the CGRF failed to understand the true nature of the issue and denied the request without due consideration. According to the Appellant, the CGRF did not appreciate that they were not a

consumer of the supply line in question, which serves only one individual (the bore well owner). Additionally, the Appellant was open to having the actual consumer pay for the expenses incurred in relocating the poles. The Appellant argued that the AEE did not consult the actual consumer to determine whether they would be willing to cover the cost.

7.4 The Appellant asserts that the CGRF's directive to follow the DCW (Deposit Contribution Work) scheme was misguided and overlooked the key details of the case. The CGRF's decision implied that the Appellant should bear the financial burden for the pole relocation, which he believes contradicts the supply rules. The Appellant maintains that, since the line serves only one consumer and he is not connected to that supply line, the CGRF should have ordered the Respondents to engage the actual consumer and ensure that the relocation is completed without any expense to him.

7.5 In conclusion, the Appellant seeks an order directing the Respondents to notify the actual consumer about the situation and to take necessary steps for shifting the electric poles to the boundaries of the property, as shown in the provided sketch. He requests that this work be completed without any cost to him and within a timeframe not exceeding three months, as a matter of fairness and justice.

7.6 The Respondent's main counterargument is that the Appellant's request to shift the electric poles and lines is covered under the Deposit Contribution Work (DCW) scheme, which requires a formal application to be submitted via the TANGEDCO web portal. The Respondent stated that after submission and registration of the application, an estimate would be prepared, and the work could only commence upon payment of the necessary charges sanctioned by the appropriate authority.

7.7 The Respondent inspected the site and noted that it is a vacant land with an agricultural service connection (SC No. 313-200-79) in the name of Tmy. Adilakshmi Ammal. The Appellant had purchased a part of the land from Thiru Seshadrie, the son of Tmy. Adilakshmi Ammal. The service connection, which reportedly dates

back to 1984, was recorded in TANGEDCO's billing records as being established on 23-09-2003. Thus, the poles and lines were likely erected around the time the agricultural service was initiated.

7.8 The Respondent argued that there should not be any objection to the poles and lines, as they were installed to serve the existing agricultural service and there are no indications of residential development in the area. It was emphasized that the Assistant Engineer had already explained the situation to the Appellant, but the Appellant remained unsatisfied and did not attend the CGRF hearing on 28.08.2024.

7.9 The CGRF subsequently ruled that if the Appellant wished to proceed with relocating the poles, it could only be done on a DCW basis, and the Respondent would review the request and take necessary action, contingent on technical feasibility.

7.10 To decide on the issue, whether an electric pole can be erected in any place, I would like to go through the Electricity Act 2003, Section 164 of the Telegraph and Telecommunications Act 1885 in which the Government of Tamil Nadu has issued an order granting permission to the Tamil Nadu Power Generation and Distribution Corporation to carry out all the said powers and erect electric poles and power. The relevant sections of the Act are given below.

***“Section 164 (Exercise of powers of Telegraph Authority in certain cases):***

*“The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained, by the Government or to be so established or maintained.”*

7.11 On a plain reading of the above, it is noted that the Appropriate Government may, by order in writing, confer upon the licensee or any other person



engaged in the business of supplying electricity under this Act, to the provisions of the Indian Telegraph Act, 1885 for the placing of electric lines or electrical plant for the transmission of electricity. Further, the Government of Tamilnadu vide G.O.(Ms).No.16, Energy (C.3) Department, dated 23.02.2012 has empowered the Tamil Nadu Transmission Corporation Limited and Tamil Nadu Generation and Distribution Corporation Limited to exercise such powers for placing of electric supply lines that a telegraph authority possess under the provisions of Indian Telegraph Act, 1885 under section 164 of Electricity Act, 2003. Since the Government of Tamilnadu has empowered the TANGEDCO to exercise such powers of the telegraph authority, I would like to refer the relevant paras of said Telegraph Act, 1885 which is reproduced below:

***“Part III***

***Power to Place Telegraph Lines and Posts***

***10. Power for telegraph authority to place and maintain telegraph lines and posts:-***

*The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along, or across, and posts in or upon any immovable property:*

*Provided that:-*

*1. The telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the [Central Government], or to be so established or maintained.*

*2. The [Central Government] shall not acquire any right other than that of user only in the property under, over, along, across in or upon which the telegraph authority places any telegraph line or post; and*

*3. Except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and*

*4. In the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (c), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.”*

7.12 Section 10 of the Indian Telecommunications Act, 1885 above provides power to erect an electric pole or line on any land. As per the above mentioned Indian Telecommunication Act, it is established that the licensee may erect electric

poles in public places. Also, I would like to examine Section 68 (1), (2)(a) of the Electricity Act, 2003 and regulation Section 29(6) of the Tamil Nadu Electricity Distribution Code in this regard. The relevant section is given below.

***"68. Overhead lines***

*(1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).*

*(2) The provisions contained in sub-section (1) shall not apply—*

*(a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer; "*

7.13 As per 68(2)(a) of the above mentioned Electricity Act, it is not necessary to obtain permission from the Government if the supply of electricity is extended for providing to a single consumer where the nominal voltage is not exceeding 11 KV. In this case, the Appellant requests to relocate electric poles and lines from the middle of his land to the edge of a new road, as the land has shifted from agricultural to residential use. From the documents submitted it is evident that the LT poles and lines were initially installed to serve an agricultural service connection (SC No. 313-200-79) in the name of Tmy. Adilakshmi Ammal, dating back to the early 1984. The installation was originally intended for agricultural use and there is no residential development in the vicinity. From the co-joint reading of the above the licensee is entitled to erect LT lines and poles to extend supply to other consumers.

7.14 In this case, the existing LT line was initially installed in 1984 to serve an agricultural service connection and continues to operate as such. The Appellant purchased the land in 2023, and his request to shift the line was made only after this acquisition from the previous owner. Based on the documents submitted, the surrounding area is still predominantly used for agricultural purposes. The Appellant claimed that he has applied for reclassification of his land to residential status, but till date the area is agricultural land. Despite the current agricultural nature, the Appellant is seeking to shift the LT line, asserting that the area is residential.

7.15 Under the above circumstances, to decide on the issue of Appellant's prayer to shift the LT pole/line to another location at the Licensee's cost, I would like to go through the Regulation 5(6) of the Tamil Nadu Electricity Supply Code to know who

is liable to bear the shifting charges for Service/line, structure and equipments relocation. The said rule is given below.

**“(6) Service/line, structure and equipments shifting charge:**

*(1) The cost of shifting service / line, Structure and equipments shall be borne by the consumer. The consumer shall pay the estimated cost of shifting in advance in full. The copy of the estimate shall be given to the consumer. The shifting work will be taken up only after the payment is made.”*

From the above, it is noted that the cost of shifting service / line structure and equipment shall be borne by the consumer. Hence the consumer shall pay the estimated cost for shifting in advance in full and the shifting work will be taken up only after the payment is made.

7.16 In view of the above, the prayer of the Appellant to shift the pole/line to another location at the Licensee’s cost is not feasible. However if he wishes to relocate the LT pole/line the cost of shifting service / line structure and equipment shall be borne by the consumer only under Deposit Contribution Work (DCW) as per Regulation 5(6) of the TNE Supply code.

**8.0 Conclusion:**

8.1 From the findings in the fore going paras, the Appellant's request to relocate the electric pole/line at the Licensee’s cost is not feasible of compliance. However, if the Appellant still wishes to relocate the structure, the same shall be done on DCW basis and the Respondent shall examine the request of the Appellant and take necessary action subject to technical feasibility.

8.2 With the above findings A.P.No.69 of 2024 is finally disposed of by the Electricity Ombudsman. No Costs.

**(N.Kannan)**  
Electricity Ombudsman

“நுகர்வோர் இல்லையேல், நிறுவனம் இல்லை”  
“No Consumer, No Utility”

To  
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